



**United States Government**

**NATIONAL LABOR RELATIONS BOARD**

**Region 5**

**103 South Gay Street, 8th Floor**

**Baltimore, MD 21202-4061**

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December 4, 2000

American Institute of Physics  
Mr. Marc H. Brodsky  
1 Physics Ellipse  
College Park, MD

Re: Case 5-CA-29366-1

Gentlemen:

This is to inform you that a charge, a true copy of which is enclosed, was filed in the above-entitled matter. Also enclosed is a copy of Form NLRB-4541 pertaining to our investigation and voluntary adjustment procedures.

For information pertaining to this case, please contact Thomas P. McCarthy, 202-501-8659. When the Board agent solicits relevant evidence from you or your counsel, I request and strongly urge you or your counsel to promptly present to the Board agent any and all evidence relevant to the investigation. It is my view that a refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily. Full and complete cooperation includes, where relevant, timely providing all material witnesses under your control to a Board agent so that witnesses' statements can be reduced to affidavit form, and providing all relevant documentary evidence requested by the Board agent. The submission of a position letter or memorandum, or the submission of affidavits not taken by a Board agent, does not constitute full and complete cooperation. Further, any position letter will be treated as binding upon the party submitting it, and may be introduced in any hearing as evidence of party positions. Thus, a position letter, if submitted, that seeks to limit its use (for example – restricting its use to the investigative stage of the unfair labor practice charge) will not be accepted and will not constitute cooperation by the party submitting it. The Federal Records Act mandates that records or their copies amassed during an investigation and used in furtherance of our mission are to be retained for a number of years. Additionally, such documents may be disclosable under a request pursuant to the Freedom of Information Act. Further, please be advised that we cannot accept any limitations on the use of any evidence or position statements that are provided to the Agency. Thus any claim of confidentiality cannot be honored except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. In this regard, we are required by the Federal Records Act to keep copies of documents used in furtherance of our investigation for some period of years after a case closes. Further, we may be required by the Freedom of Information Act to disclose such records upon request, absent some applicable exemption such as those that protect confidential financial information or personal privacy interests (e.g., Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4)). Accordingly, we will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the foregoing laws, regulations and policies. Please state the case name and number on all correspondence.

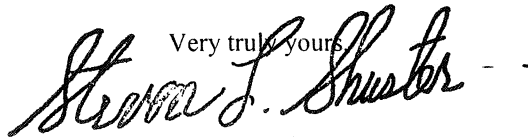
Enclosed for the Employer is a form requesting commerce data which should be completed, signed by an employer representative and returned in the enclosed envelope addressed to my attention.

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceeding before the National Labor Relations Board and the courts. If you choose to have a representative appear on your behalf, please complete Form NLRB-4813 which may be used if you choose to have your agent receive exclusive service of all documents and communications, except those expressly excluded. Please note that Form NLRB-4701 may be executed by your designated representative, but that Form NLRB-4813 will not be honored unless it is signed by you as a party.

December 4, 2000

Please be advised that, under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

Customer service standards concerning the processing of unfair labor practice cases have been published by the Agency and are available upon request from the Regional Office. Your cooperation in this matter is invited so that all facts of the case may be considered.

Very truly yours,  


Steven L. Shuster  
Acting Regional Director

Enclosures